

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Matti SALMI : Confirmation No.: **4491**
Serial No: **10/099,853** : Examiner: **Thuong NGUYEN**
Filed: **March 13, 2002** : Group Art Unit: **2155**

For: **SEPARATION OF INSTANT MESSAGING USER AND CLIENT IDENTITIES**

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P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF (37 C.F.R. § 41.41)

Sir:

This is a Reply Brief in furtherance of an Appeal Brief filed December 3, 2007, and in reply to the Examiner's Answer of February 4, 2008.

REMARKS

Appellant responds to the Examiner's Answer of February 4, 2008 by reiterating the arguments set forth in the Appeal Brief filed December 3, 2007, and addressing the points raised by the Examiner as follows.

In responding to appellant's arguments on page 22 of the Examiner's Answer, the Office states that the features upon which appellant relies to distinguish the claims from the reference, are not recited in the rejected claim. The Office asserts that the feature of providing the primitive with an information element identifying a client and a separate information element identifying a user of the client is not a claim limitation of claim 1. The Office further asserts on page 23 of the Examiner's Answer that nothing in claim 1 indicates "identify the user and client are provided in the same primitive and separate information." Appellant acknowledges that these exact phrases are not recited in claim 1, but respectfully submits that the technical features relied upon by appellant are present in claim 1. The Office has taken an exceedingly narrow claim interpretation, one that ignores the plain meaning of the language of claim 1. Accordingly, appellant respectfully submits that the limitations relied upon are recited in the claims.

Independent claim 1 recites "communicating a primitive from a terminal device to a network," "providing *said* primitive with an information element identifying a client of said terminal device," and "providing *said* primitive also with an information element identifying a user of said client." (emphasis added). The use of the definite article "said" before the term "primitive" indicates that the "primitive" is the same primitive. It is well established that the definite article "said" preceding a claim feature is used to refer to the same claim feature previously recited in the claim. In order to avoid antecedent basis problems, the definite article "said" is used to refer to terms already mentioned in a claim. In accordance with the plain meaning of a claim, the use of "said" followed by a term already recited in the claim identifies that the term refers to the same feature of the claim. Furthermore, claim 1 recites "providing said primitive also with an information element identifying a user of said client." The plain meaning of the term "also" further reinforces that the "primitive" recited in claim 1 is the same primitive throughout claim 1. Therefore, contrary to the assertion of the Office in the Examiner's Answer the plain language of claim 1 recites that the same primitive is

provided with both information elements. Accordingly applicant respectfully submits that this limitation relied upon is recited in the claims.

Furthermore, the Office asserts that claim 1 does not recite providing the primitive with an information element identifying a client and a separate information element identifying a user of the client. However, as mentioned above, when claim 1 is properly interpreted it is clear that these features are present in claim 1. Claim 1 recites “providing said primitive with an information element identifying a client of said terminal device,” and “providing said primitive also with an information element identifying a user of said client.” (emphasis added). Claim 1 recites that the primitive is provided with two information elements. The first is “an information element identifying a client,” and the second is “an information element identifying a user.” The first information element identifies the client, and therefore contains information to appropriately identify the client. While the second information element identifies the user, and therefore contains information to appropriately identify the user. Accordingly, these information elements are two different information elements. The use of the indefinite article “an” before each information element clearly shows that the information elements are two different features of claim 1. Therefore, contrary to the assertions of the Office, claim 1 does recite providing the primitive with an information element identifying a client, and a separate information element identifying a user of the client, although not specifically recited in claim 1. In accordance with a proper interpretation of claim 1, it is clear that there are two different information elements recited in claim 1, and therefore the primitive is provided with two separate information elements.

In addition, contrary to the assertions of the Office on page 22 of the Examiner’s Answer, appellant has not read limitations from the specification into the claims. Instead, appellant has merely interpreted the claim in accordance with the plain meaning of the claims based on the language present in only the claims. Furthermore, contrary to the assertions of the Office in the Examiner’s Answer, *Aravamundan* does not disclose or suggest “providing said primitive with an information element identifying a client of said terminal device,” or “providing said primitive also with an information element identifying a user of said client.”

In contrast to claim 1, *Aravamundan* at most discloses that after a user has registered with a provisioning server by entering a selected password, the provisioning server provides

the client premises equipment (CPE) software with a unique identification (ID). *See Aravamundan* column 6, lines 49-53. The provisioning server may also convey a copy of the address of the user's IM server and password to the Communication Services Platform (CSP), which can then create personal and administrative databases for the user and convey the unique ID to the IM server creating a new IM account for the user. *See Aravamundan* column 6, lines 54-60. However, *Aravamundan* never discloses or suggests communicating a primitive provided with separate information elements identifying the client and the user from a terminal device to a network. The unique ID is not provided from a terminal device to a server as recited in claim 1, but instead from the CSP to the IM server. In addition, the unique ID of the CPE software is not provided in the same primitive as an information element identifying the user. Instead, the user's IM server address and password are provided separately to the CSP, which does not then convey this information to the IM server, because the IM server has no need for its own identification. Therefore, appellant respectfully submits that the features relied upon are recited in the claims, and that *Aravamundan* does not disclose or suggest providing a primitive with an information element identifying a client of a terminal device, and providing the primitive with an information element identifying a user of the client, as recited in claim 1.

Furthermore, the Office asserts on page 23 of the Examiner's Answer that *Aravamundan* defines a client has the subscribing client and the client's CPE, as shown as item 140 in Figures 1 and 2. Accordingly, the Office asserts that one of skill in the art would understand that the client in *Aravamundan* is hardware and physical devices. First, as discussed in appellant's appeal brief, *Aravamundan* uses the term "client" in the different manner than in the claims of the present application. The term "client" as used in *Aravamundan* is used to refer to the "user" of the services. *See Aravamundan* column 3, lines 28-31. Contrary to the assertions of the Office, *Aravamundan* does not disclose that the CPE is part of the client, since the client is considered the user, but instead discloses that the CPE is used by the client in order to obtain access to the one or more networks for communication. *Aravamundan* never discloses that the "client" is considered to include both the user and client premises equipment (140). In Figures 1 and 2, *Aravamundan* only shows possible implementations of the CPE (140), for example a personal computer (142) or a mobile phone

(150), and does not include both the “user” and CPE under the reference numeral 140.

Therefore, as used in *Aravamundan*, “user” refers to an individual person and does not have the same meaning as in the claims of the present application.

Therefore, for at least the reasons discussed above, appellant respectfully submits that the claims are not disclosed or suggested by the cited references, alone or in combination, because the cited references fail to disclose or suggest all of the limitations recited in the claims.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and reversal of the rejections to the claims of the application is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Date: 20 March 2008

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